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Item 14 (a) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS

MIGRANT WORKERS

Report of the Secretary-General on violence against women migrant workers

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Introduction

1. In paragraph 8 of its resolution 1998/17, the Commission requested the Secretary-General to submit to it at its fifty-sixth session a comprehensive follow-up report on the problem of violence against women migrant workers, taking into account the views of States and based on the expertise of and all available information from authorities and bodies within the United Nations system, intergovernmental organizations and other sources, including non-governmental organizations. The present report is submitted in accordance with that request.

2. It should be recalled that in its resolution 52/97, the General Assembly requested the Secretary-General to submit to the General Assembly at its fifty-fourth session a comprehensive report on the problem of violence against women migrant workers. In accordance with that resolution, the General Assembly had before it at its fifty-fourth session a report by the Secretary-General (A/54/342) reviewing all recent initiatives and measures taken by States and organizations of the United Nations system. The present report will not duplicate information already submitted to the General Assembly in document A/54/342, which is being made available to the Commission at its present session.

3. Pursuant to paragraph 8 of Commission resolution 1998/17, the Secretary-General addressed requests for information to Governments, intergovernmental and non-governmental organizations concerned, and United Nations bodies.

4. As of 30 November 1999, replies had been received from the Governments of Canada, Japan, the Russian Federation and the Sudan.

5. Replies were also received from the Council of Europe, the International Criminal Police Organization, the International Organization for Migration, the Pan American Health Organization of the World Health Organization, the United Nations Interregional Crime and Justice Research Institute, the United Nations Office for Drug Control and Crime Prevention and the World Food Programme.

6. The present report contains a summary of the substantive replies received. Any additional replies will be reproduced in an addendum to the present report.

I. THE ISSUE OF VIOLENCE AGAINST WOMEN MIGRANT WORKERS

7. In the framework of an expert group meeting on temporary labour migration of women, co-organized, in August 1999, by the International Organization for Migration and the United Nations International Research and Training Institute for the Advancement of Women, it was noted that there is increasing evidence that globalization is favouring migrant labour and that women, mostly in developing countries, are entering into this type of labour engagement in ever-increasing numbers as a means of ensuring the subsistence of their families. In some regions - notably Asia - there has been a "feminization" of labour migration. As a response to the restructuring of the global economy and the division of labour, migration patterns are diversifying in scope and duration and movements of permanent settler and long-term labour are

decreasing. Moreover, the increase in the number of women migrant workers is giving rise to temporary short-term migration. More and more, migrants, in particular, women migrants, are displacing themselves individually on a short-term basis and maintaining their permanent place of residence and family obligations back home.

8. Because of their subordinate status both as migrants and as women, female migrant workers are highly vulnerable to exploitation and ill-treatment. Many migrant women work without official work contracts, or if such contracts exist, they are on unfavourable terms - low salaries, no insurance, no control over working hours. In some cases, the migrant women's passports are withheld by the employer, which represents a restriction of their freedom of movement.

9. Migrant women also can lose, where they had it in their own count, the ability to participate in decision-making at the community level, either because of a lack of traditional participatory mechanisms in the host country or because of their lack of preparation to adapt to its participatory patterns.

10. Access to health care, in many countries, is linked to legal status. Such policies leave migrant women vulnerable to poorer health outcomes. Migrant women are also particularly vulnerable to psychological stresses, divergent sets of cultural expectations, marginalization in the host society and in the labour market and the double burden of family and work are but a few examples. In addition, migrant women are particularly susceptible to physical and sexual abuse during travel, in camp situations, or in the countries of destination.

11. Many women who migrate for promised jobs in domestic service, catering or entertainment find themselves tricked into prostitution. Since they are often illegal or undocumented immigrants, these women are vulnerable to abuse.

12. In 1994 already, the Special Rapporteur on violence against women discussed the types of violence suffered by women migrant workers in her preliminary report to the Commission (E/CN.4/1995/42). These ranged from inhumane working conditions, such as long working hours, no days off and non-payment of wages, to starvation, beatings and rape. Unskilled workers, especially in domestic service, experienced greater and different kinds of violence than other women. The Special Rapporteur noted that a variety of measures had been undertaken to address the problem. Sending countries had unsuccessfully tried to restrict migration. Receiving countries, which had little interest in regulating the working conditions of low-paying, undesirable jobs, had not been successful at inducing migrants to become legal. The Special Rapporteur suggested that international instruments be used to reinforce the duty of sending countries to apprise citizens of their rights and the duty of receiving countries to ensure human rights protection to all people within their borders.

13. The Beijing Platform for Action called for the recognition of the vulnerability of women migrants, including women migrant workers, to violence and other forms of abuse. It also called for the establishment of linguistically and culturally accessible services for all migrant women and girl victims of gender-based violence.

II. MEASURES TAKEN BY STATES TO ADDRESS VIOLENCE AGAINST WOMEN MIGRANT WORKERS

A. Canada

14. The Government of Canada stated in its reply that it had a long-standing commitment to promoting respect for the human rights of women and girls, to protecting the rights of migrants generally, and to undertaking efforts directed towards the elimination of violence against women and girls.

15. In Canada, there are two types of legal entry: permanent and temporary. Selected immigrants can enter and remain in the country as permanent residents, whereby they are accorded significant legal protection and access to social services and, in due course, have the opportunity to apply for citizenship. Canada is one of a few countries in the world with an immigration programme of this sort. Visitors may also enter Canada as temporary foreign workers, students or tourists, which allows them to come to the country for specified periods to perform specified jobs for specified employers, to study for a specified period or to visit for up to six months. Persons with temporary status are also accorded the same basic rights as permanent residents.

16. Persons who are in Canada temporarily or who have not yet become permanent residents (including women) are eligible to receive health care services in most provinces and territories (temporary workers, however, may be subject to certain conditions such as a specified waiting period). Similarly, all employees have certain legal rights respecting fair working conditions and fair treatment under provincial/territorial employment standards legislation (such as paid vacation, overtime pay, benefits). Both permanent and temporary workers (assuming that they are eligible to work in Canada and subject to the conditions of their work permit) are also eligible to receive employment services offered in local communities. This can include access to employment counselling and job finding services, employment training, wage subsidies, self-employment assistance and work experience through job creation projects. They may also be eligible for financial benefits under the federal Employment Insurance Fund. In addition, permanent residents may be able to avail themselves of other benefits provided under the social safety net (welfare, pensions, old age benefits and so forth).

17. The Criminal Code contains several offences, such as assault, criminal harassment, sexual assault and procuring, that could apply in cases of violence against women workers. In addition, several amendments have been made to the Criminal Code since 1994 to enhance protection from violence for women. These amendments include provisions making peace bonds (protective court orders) easier to obtain and more effective and clarifying that intoxication is not a defence in crimes such as assault and sexual assault. Procedures based on a pro-arrest, pro-charge and pro-prosecution policy have also been developed and implemented by the provincial governments, which have responsibility for enforcement of the criminal law.

18. Commission on Human Rights resolution 1998/17 invites Governments to undertake further research on the causes and consequences of violence against women migrant workers. In 1999, the departments of Citizenship and Immigration Canada and Status of Women Canada jointly funded a research project on violence and abuse against live-in-caregivers in the

workplace. The results of this project will provide an overview of current knowledge and research gaps on violence among domestic workers, with a focus on migrants who have entered Canada through the Live-In-Caregiver Programme.

19. Resolution 1998/17 also encourages States to consider signing and ratifying the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families. While the Convention's objective of extending the protection of domestic human rights law to migrant workers is laudatory, the Convention does not reflect the Canadian situation in that those persons covered by the Convention generally enter Canada as permanent residents. The Canadian Charter of Rights and Freedoms provides a much broader range of rights and freedoms than those provided for in the Convention and applies to all persons in Canada, regardless of their immigration status. The Convention includes extraterritorial obligations that States could not validly fulfil under existing international law.

20. Resolution 1998/17 encourages States to consider signing and ratifying the Slavery Convention of 1926, which Canada did in 1928.

21. Canada would like international instruments on migrants workers to take into account the integration of migrants into the society of the receiving State, and to acknowledge that migrants who have the right to permanent residence in countries of destination are in a different situation from those who migrate temporarily. There is also a need to acknowledge that migrant workers are subject to abuse in sending, receiving and transit countries: the human rights of migrants need to be protected in all States concerned.

22. International programmes: the Canadian International Development Agency (CIDA) supports a number of programmes in the area of violence against women, including women migrant workers. Gender equality is a cross-cutting theme for CIDA programming. While a number of community development projects which CIDA supports deal indirectly with violence against women migrant workers, the following is a sample of projects which deal with this issue directly.

23. South East Asia Fund for Institutional and Legal Development (SEAFILD): This fund is a CIDA bilateral project which provides support in the South-East Asian region in the areas of governance, the promotion and protection of human rights, the rule of law and the development of civil society. Since its inception, over 60 sub-projects have been funded. Two of these projects have concentrated on the plight of migrant workers and the trafficking of women:

(i) Illegal Labour Movements: Trafficking in Women, with the Mekong Regional Law Centre acting as partner organization. The participating countries are Thailand, Viet Nam, Cambodia and Laos. The total value of the sub-project is Can$ 200,000;

(ii) The Asian Regional Training Program on Migrant Workers (Phase I and II) has as its partner organizations the Canadian Human Rights Foundation and the Ateneo Human Rights Centre in Manila. The total value of this sub-project is Can$ 172,119.

24. Philippines Gender Fund. Within this fund, there are sub-projects which specifically identify violence against women as a project issue. Of the total amount disbursed for sub-project activities (Can$ 352,483), approximately one third was committed to these specific sub-projects. Activities focusing on violence against women migrant workers include:

"Consultation workshop among NGOs addressing issues and problems of prostitution", organized by the NGO International Coalition Against Trafficking in Women (Can$ 18,440);

"The impact of Government policies and programmes on the reintegration process of women migrant workers who have survived physical and sexual violence abroad (Can$ 16,357);

"Violence Against Women Migrant Workers: a scoreboard on performance of the Philippines Government", implemented by the NGO Network Opposed to Violence Against Women Migrants (Can$ 27,571).

25. Shakti Gender Equity Project - Sri Lanka. One sub-project activity is "Advocacy and lobbying campaign on behalf of migrant workers", which focuses on the preparation of a file of experiences of violence reported by women migrant workers. The file will be presented to the Special Rapporteur on violence against women. It is expected that this activity will help generate public awareness on issues related to gender-based violence from an international human rights perspective (Can$ 21,000).

B. Japan

26. The legal provisions and measures taken by the Government of Japan in the field of violence against women migrant workers are as follows.

1. Legal Provisions

(a) Penal Code

27. Japan applies the same legal provisions to violence against women migrant workers as to violence against its own nationals. As for violence endangering life, physical integrity and freedom of women migrant workers, articles 199, 204, 205, 208, 220 and 223 of the Penal Code have provisions making murder, bodily injury, bodily injury resulting in death, assault, unlawful arrest and confinement, and compulsion, etc., subject to penalty. As for sexual violence, articles 176 and 177 of the Penal Code have provisions making forcible indecency, rape, etc., subject to penalty.

28. As for psychological violence, article 222 of the Penal Code has a provision making intimidation subject to penalty.

of 1960) or other documents designated by a government order as the documents which employers would normally request the job seekers to display for their identification. Same hereinafter) of the employees entertaining the customers who have been charged with an unreasonably high amount of liabilities in consideration of their ability to repay.

2. Measures

34. The human rights organs of the Ministry of Justice, comprised of the Human Rights Bureau and its subsidiary bodies (the Legal Affairs Bureau and the District Legal Affairs Bureau and their branches), as well as volunteer human rights officers authorized by the Minister of Justice, will investigate as a case of human rights violation violence against women that comes to light through a personal statement or through human rights counselling. As a result of the investigation, if violence is found to have in fact occurred or in cases where violence is continuing, the human rights organs have a system to rehabilitate the victim through such measures as making the perpetrator realize the importance of respect for human rights and attempting to stop acts of violence or prevent their recurrence.

35. The human rights organs also actively develop promotional activities, such as seminars and talks, television and radio programmes, the dissemination of pamphlets and leaflets, in order to make the general public recognize the importance of respect for the human rights of vulnerable groups, including women, and to increase awareness of human rights. These activities contribute to the prevention of human rights related incidents, including violence against women migrant workers.

36. In addition to the above, the Legal Affairs Bureau and the District Legal Affairs Bureau and their branches set up guidance rooms at permanent centres, besides sometimes holding counselling in department stores and public offices providing wide opportunities for counselling on human rights issues.

37. As for counselling for foreigners living in Japan, the Legal Affairs Bureau and the District Legal Affairs Bureau conduct counselling all over Japan for foreigners on human rights issues, using interpreters.

38. Although not within the concept of "women migrant workers", Japan takes the following measures on violence against foreign women entertainers who are in Japan for relatively short periods of time with the residence status of "Entertainer".

39. As has been mentioned, human rights violations such as work under poor employment conditions, forced prostitution, etc. exist for those entertainers performing in bars and cabarets, etc. On the basis of the results of research on foreign entertainers conducted all over Japan, the Ministry of Justice revised part of the Ministerial Ordinance to Provide for Criteria pursuant to article 7, paragraph 1 (2) of the Immigration Control and Refugee Recognition Act to allow for proper control over foreign entertainers. As a result of this revision, the number of foreigners entering with the residence status of "Entertainer" decreased drastically for a time.

C. Russian Federation

40. Government statistics for 1998 show that there were 22,202 migrant women holding official work permits in the Russian Federation, accounting for 9 per cent of all foreign migrant workers. Their age structure was as follows:

16-17	0.5 per cent,
18-29	25.4 per cent,
30-39	37.5 per cent,
40-49	28.6 per cent,
50-54	5.3 per cent,
55-59	1.7 per cent;
over 60	1 per cent.

41. Two hundred and nine female migrants were working for individual employers; the rest were employed by corporate entities.

42. A total of 2,440 female citizens of the Russian Federation found work abroad in 1998 through officially registered and licensed Russian employment agencies (8.2 per cent of all Russian migrant workers). Most of them (76 per cent) were aged between 18 and 39. No complaints of violence, either against Russian women legally working abroad or against foreign women officially employed in the Russian Federation, have been received by the Federal Migration Service, the coordinating body for labour migration, or the law-enforcement agencies.

D. Sudan

43. The national laws and legislation guarantee everything provided for in international instruments such as the Vienna Declaration and Programme of Action of 1993 and there are no violations of the rights of female migrant workers and women. The provisions of these local legislative enactments are as follows:

44. The Labour Act of 1997

Article 104 refers to terrorism and harassment and stipulates as follows:

No person shall compel another person to perform or refrain from an act which that person has a legal right to perform or refrain therefrom by:

(a) Using violence or provocation, humiliating that person, his wife or his children or damaging his property;

(b) Following that person from place to place;

(c) Concealing any tools, clothes or property owned or used by that person or preventing him from using them.

(d) Observing or harassing any person at his home or any other place in which he is residing or on any road leading to that home or place.

45. Article 19 refers to the conditions of employment of women as follows:

> "Women shall not be employed in types of work which are hazardous, which require considerable physical exertion or which are harmful to health, such as the carrying of heavy loads, work performed underground or under water and work which exposes them to toxic substances or to cold or heat exceeding the limits which can reasonably be borne by women."

46. Article 20 specifies the working hours of women as follows:

> 1. Women shall not be employed from 10 p.m. to 6 a.m. except on administrative, professional and technical work or any work in connection with social and health services.
>
> 2. Notwithstanding the provisions of paragraph 1 above, the competent authority may, after consultation with the Committee, permit any category of women to work at night, in the public interest, on the conditions set by the Committee.

47. There are many legislative enactments that provide adequate protection for women in general and the law does not discriminate between national and migrant working women in regard to the application of the Labour Act of 1997.

48. The Immigration and Passports Act of 1993

Articles 9-13 of this Act regulate the entry and departure of foreigners in accordance with the official procedures. Consequently, the residence of foreigners depends on their official papers and documents.

It is evident that the Sudan's position is extremely positive in regard to the employment of women and ensures them a fully appropriate working environment, as required by international instruments. No distinction is made between migrant and national women and the statistics have not recorded any act of violence against women in the Sudan.

III. ACTION TAKEN BY UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND INTERGOVERNMENTAL ORGANIZATIONS

49. This section summarizes substantive information submitted to the Secretary-General.

A United Nations bodies and specialized agencies

1. United Nations Office for Drug Control and Crime Prevention and United Nations Interregional Crime and Justice Research Institute

50. Both organizations are committed to and actively working on the drafting of protocols against migrant smuggling and on the issue of trafficking in persons. The United Nations Interregional Crime and Justice Research Institute (UNICRI) is currently implementing, in collaboration with the United Nations Office for Drug Control and Crime Prevention (ODCCP), a global programme against trafficking in human beings. Violence against women, including women migrants and women migrant workers, is an integral part of the Global Programme. Also, in the frame of the Global Programme, UNICRI is finalizing a report entitled "Rapid assessment on trafficking in human beings in the Philippines". This "assessment" will be considered in the report of the Secretary-General on the traffic in women and girls submitted to the Commission at its present session.

51. The ODCCP approach to smuggling and trafficking is the criminalization and punishment of criminal acts of trafficking and smuggling and the protection of individual victims of such trafficking, migrants or otherwise. The Global Programme against Transnational Organized Crime, of which it is part, takes full account of the exploitation of women migrants and women migrant workers in organized crime operations.

2. World Food Programme

52. In Cambodia, WFP provides support to institutions in Phnom Penh which rescue girls from possible exploitation and violence when they are trafficked, especially at a young age.

B Council of Europe

53. Over the past years the Council of Europe has been looking at migration in a gender perspective - especially in view of the fact that immigration in Europe is becoming increasingly female. A Joint Specialist Group on migration, cultural diversity and equality between women and men was set up in 1994 by the Steering Committee for Equality between Women and Men (CDEG) and the European Committee on Migration (CDMG). Through hearings with migrant women, conferences and studies, the group tried to identify the specific problems which confront migrant women, including violence. The reports submitted after the various meetings considered more the situation of women as migrants and not as migrant workers. However, the specific situation of women migrant workers was discussed in the course of the meetings and it was noted that there was an increase in the number of illegal women migrant workers. This illegal status reinforced their vulnerability, deplorable working conditions, violence and sexual abuses.

54. A specialist group on intolerance, racism and equality between women and men, composed of members of CDEG and the European Commission on Racism and Intolerance (ECRI) met in 1996 and 1997. The group, among other things, identified specific forms of racial discrimination and intolerance which women face on the basis of their sex. The group considered more specifically the situation of women migrants - and not of women migrant

workers - and their integration in the host society. This integration was exclusively dependent on the male relatives and their own integration. It was felt that sexism was a form of intolerance and that women were discriminated against because of their sex and their ethnicity.

55. The Council of Europe is also working on the preparation of two draft recommendations from the Committee of Ministers to member States, one on the protection of women and young girls against violence and the other on trafficking in human beings for the purpose of sexual exploitation.

C. International Organization for Migration

56. As already mentioned in the report of the Secretary-General to the General Assembly at its fifty-fourth session, IOM has developed programmes and activities addressed to women migrant workers who are the victims of gender-based violence.

57. IOM is developing language training and cultural orientation services, combined with training of trainers exercises, which build up the capacity of both the migrants and the sending and receiving Governments. In Dhaka, an English language-training programme has been developed for Bangladeshi female nurses seeking employment abroad. A number of women and men - skilled and semi-skilled contract workers - were trained on communication in an overseas working environment and provided with information on their rights and obligations in the host countries. These projects included training of Bangladeshi teachers to enable the continuation of the programmes with Bangladeshi instructors.

58. In Manila, IOM assisted the Overseas Workers Welfare Administration (OWWA) of the Philippine Department of Labour and Employment in the field of skills upgrading, language training and cultural orientation. In partnership with the Policy Research and Resource Centre for Filipino Women Workers, IOM also sponsored the preparation of a Survival Guidebook for Filipino Women Migrant Workers on Rights and Realities of Migrant Labour. The Guidebook, issued in 1997, contains information on basic rights, job contracts, legal provisions under Philippine law, migration realities - including the most commonly reported illegal and abusive practices and violations of human rights - and a section on self-empowerment, including how and when to file complaints. The Guidebook also includes sections on handling communications and language problems and cultural differences.

59. IOM has also organized training courses for over 22,000 migrants from Croatia, Yugoslavia, Kenya and Viet Nam who have been offered permanent residence status in Canada.

IV. CONCLUSION

60. Keeping in mind information submitted by States for the reports to the General Assembly and to the present session of the Commission, it may be noted that although States report on measures to address violence against women, including violence in the workplace, and on measures to assist migrants, including migrant workers, few report on specific measures to address the particular issue of violence against women migrant workers. More extensive information and data are required on the situation of women migrant workers in order to identify concrete strategies.

61. Even though the Special Rapporteur on violence against women has, in her various reports, paid attention to the question of violence against women migrant workers and insisted on the need to take measures to tackle the specific problems of this particular group of migrants, additional attention at the national and international levels would be helpful. The newly appointed Special Rapporteur of the Commission on Human Rights on the human rights of migrants would have a major role to play in examining the particular issue of women migrant workers who are victims of violence.

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SPECIFIC GROUPS AND INDIVIDUALS: MIGRANT WORKERS

Status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and efforts made by the Secretariat to promote the Convention

Report of the Secretary-General

1. The General Assembly, by its resolution 45/158 of 18 December 1990, adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority.

2. By its resolution 1999/45 of 27 April 1999, the Commission on Human Rights called upon all Member States to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, and expressed the hope that it would enter into force at an early date; requested the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights; welcomed the launching of the global campaign for entry into force of the Convention and invited organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to continue and intensify their efforts with a view to disseminating information on and promoting of the Convention; and requested the Secretary-General to submit to the Commission at its fifty-sixth session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers.

3. In this connection, it may be recalled that a meeting of high-level governmental experts from the African region was convened by the High Commissioner/Centre for Human Rights in Addis Ababa from 14 to 17 May 1996, with assistance from the Economic Commission for Africa and the Organization of African Unity. The purpose of the meeting was to open a dialogue with States of that region not having adhered to international human rights treaties, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in order to identify obstacles to ratification and to seek ways of overcoming them. Governmental experts from 17 States attended the meeting. A second meeting of high-level governmental experts, for the Asian and Pacific region, was held in Amman from 1 to 4 September 1997 with the assistance of the Government of Jordan. Governmental experts from 18 States attended the meeting.

4. It is to be noted that a global campaign has been launched to promote the ratification and entry into force of the Convention. The Steering Committee for the global campaign includes leading international human rights, Church, trade union, women's and migrants organizations. The International Organization for Migration, the International Labour Organization and the Office of the United Nations High Commissioner for Human Rights are members of the Steering Committee.

5. As at 1 November 1999, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families had been ratified or acceded to by Azerbaijan, Bosnia and Herzegovina, Cape Verde, Colombia, Egypt, Mexico, Morocco, the Philippines, Senegal, Seychelles, Sri Lanka and Uganda and signed by Bangladesh, Chile and Turkey. In accordance with its article 87, the Convention shall enter into force on the first day of the month following a period of three months after the date of the deposit of the twentieth instrument of ratification or accession.

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SPECIFIC GROUPS AND INDIVIDUALS: OTHER VULNERABLE GROUPS AND INDIVIDUALS

Note by the secretariat

1. At its fifty-second session, the Commission on Human Rights, in its resolution 1996/61, requested the Secretary-General to examine, in cooperation with relevant United Nations agencies, in particular the World Health Organization, as well as the International Criminal Police Organizations and all relevant non-governmental organizations, the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes in order to enable the Commission at its fifty-third session to decide upon possible follow-up in this matter, taking into account the recommendation of the Sub-Commission in this regard.

2. At its fifty-third session, the Commission on Human Rights, in its resolution 1997/20, taking note of the report of the Secretary-General (E/CN.4/1997/78), requested the Secretary-General to continue the examination of the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes and to include an analysis of this question in an updated report to be submitted to the Commission at its fifty-fifth session, in order to enable the Commission to decide whether continued attention to this question is required.

3. Pursuant to this resolution, the Secretary-General addressed a note verbale to Governments and concerned institutions, as well as a reminder. No information was received, therefore no report was submitted to the Commission at its fifty-fifth session.

4. At its fifty-sixth session, the Commission, in its resolution 1999/46, noting that the Secretary-General had not yet received any information about the reliability of allegations regarding the removal of organs and tissues of children and adults and, in order to enable the Commission to examine this question, again requested the Secretary-General to seek information among relevant specialized agencies, working closely in particular with the Advisory Committee on Health Research of the World Health Organization and the International Criminal Police Organization, and to include an analysis of the information received in an updated report to be submitted to the Commission at its fifty-sixth session.

5. Pursuant to this resolution, a note verbale was sent to concerned agencies. As of 30 November, no substantive replies had been received.

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SPECIFIC GROUPS AND INDIVIDUALS: MINORITIES

Rights of persons belonging to national or ethnic, religious and linguistic minorities

Report of the Secretary-General

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GE.99-16319 (E)

I. INTRODUCTION

1. The Commission on Human Rights, at its fifty-fifth session, adopted resolution 1999/48 of 27 April 1999 entitled "Rights of persons belonging to national or ethnic, religious and linguistic minorities" by which the Commission urged States and the international community to promote and protect the rights of persons belonging to minorities as set out in the Declaration, recommended that the human rights treaty bodies, when considering reports submitted by States parties, give particular attention to the implementation of articles relating to the rights of persons belonging to minorities, called upon special representatives, special rapporteurs and working groups of the Commission to continue to give attention to situations involving minorities, called upon the Secretary-General to make available qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities, invited the High Commissioner to continue her efforts to improve the cooperation with United Nations programmes and agencies, and called upon the international community to participate actively in the work of the Working Group on Minorities.

2. The Commission on Human Rights also requested the Secretary-General to report to it at its fifty-sixth session on the implementation of the resolution. The present report, submitted to the Commission on Human Rights, is complementary to that of the Secretary-General submitted to the fifty-fourth session of the General Assembly (A/54/303).

II. TREATY BODIES

3. Since the preparation of the report to the General Assembly (A/54/303), the Committee on Human Rights and the Committee on the Rights of the Child have held one session. The committees have continued to monitor the observance by States parties of the relevant minority-specific rights, namely, article 27 of the International Covenant on Civil and Political Rights on the rights of persons belonging to minorities and article 30 of the Convention on the Rights of the Child, on the rights of children belonging to minorities.

4. With reference to a number of States parties' reports, the Committees adopted concluding observations which refer to issues in the field of minority protection and made recommendations calling on the respective Governments to adopt measures to improve the situation. In their concluding observations, the Committees welcomed the measures taken to promote the minority language, including in courts and for official business, and the transfer of certain cultural institutions to the minorities themselves.

5. With regard to a number of reports, the committees expressed concern in regard to the following: the lack of full respect for freedom of religion and belief in regard to persons of all religious convictions, the fact that the means of livelihood of minorities is not always respected, especially with regard to land use, the persistence of regional disparities in access to health care, high rates of malnutrition of children under five years of age and those of school age, especially among children belonging to minorities, the inadequate living conditions of children belonging to minorities, the lack of access of children belonging to minorities to education and the low relevance of bilingual educational programmes available to them, the notable disparities in results of educational performance of children from ethnic minorities, and the incidence of societal discrimination against children belonging to ethnic minorities.

6 In their concluding observations, the relevant committees recommended to States parties that they develop training programmes for local officials and other decision makers so that they can adequately take into consideration the children's opinions presented to them, with particular emphasis on involving and reaching vulnerable groups such as children of ethnic minorities, and that they take steps to prevent any discrimination against children or disparities in their treatment, including with regard to children belonging to religious and ethnic minorities.

III. SPECIAL RAPPORTEURS

Independent expert on the situation of human rights in Somalia

7 The Special Rapporteur, Ms. Mona Rishmawi, in her report (E/CN.4/1999/103) mentioned that there exist several minority groups in Somalia, who are the main victims of the famine and civil war. Members of the Bantu minority are thought to descend from slaves brought to Somalia from other East African countries in the eleventh century and are considered a low-status ethnic group. The Bantu frequently suffer discriminatory practices and violence, are not allowed to mix with the rest of the population, are used for hard labour, and have less access to education and fewer economic opportunities than other Somalis. Their villages have been burnt and Bantu women have been raped. The independent expert also reported that the Rahanweyn minority, which lives on fertile agricultural land, has also been subjected to dispossession and displacement.

Special Rapporteur on the right to education

8 The Special Rapporteur, Ms. Katarina Tomasevki, in her report on her visit to Uganda from 26 June to 2 July 1999 (E/CN.4/2000/6/Add.1) referred specifically to the content of educational curriculum and textbooks used in the primary school curriculum. In this connection, the Special Rapporteur expressed concern about the portrayal of Uganda's racial, ethnic, religious and linguistic diversity in textbooks. She mentioned that the revival of traditional kingdoms (Buganda, Toro and Bunyoro) in 1993 opened the way for the recognition of cultural diversity, which had been artificially abolished in 1967. These are well portrayed in children's textbooks. There is, however, no recognized minority status for any community in Uganda, and nomadic communities are routinely the subject of criticism in the mass media for their backwardness and are often blamed for constituting an obstacle to development. They are largely absent from textbooks. Furthermore, the Special Rapporteur reported that there was no evidence that Uganda was addressing the multilayered problems of its multiracial and multi-ethnic diversity.

IV. WORKING GROUP ON MINORITIES OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

9 From 25 to 31 May 1999, the Working Group on Minorities, established by the Commission on Human Rights in 1995 by its resolution 1995/24, held its fifth session in Geneva. The Working Group has carried on its work in accordance with the mandate entrusted to it, namely: to review the promotion and practical realization of the 1992 Declaration on the Rights

of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, examine possible solutions to problems involving minorities, and recommend further measures for the promotion and protection of their rights

10 During its fifth session, the contributions, through oral presentations and working papers, promoted a better understanding of some of the principles contained in the Declaration, with particular emphasis on the right of minorities to effective participation and the role of multicultural and intercultural education in protecting minorities The Commentary to the Declaration drafted by the Chairman-Rapporteur, Mr Asbjørn Eide, as well as the working papers prepared on thematic issues, including citizenship and the minority rights of non-citizens, universal and regional mechanisms for minority protection and the future role of the Working Group, were discussed in detail The Working Group adopted a series of recommendations, including the preparation of a manual containing the text of the Declaration and an explanatory note on the procedures and mechanisms by which members of minorities could address regional and international organizations with their concerns, the holding of regional seminars on thematic issues, the strengthening of cooperation with United Nations agencies and programmes in the field of minority protection, the development of a database on minorities, and the enhancement of its methods of work

11 During the period under review, the Working Group on Minorities held two expert seminars in accordance with its recommendations adopted at its fourth session to hold seminars on themes of particular concern as a means to arrive at concrete proposals on ways in which Governments could give effect to the relevant principles contained in the Declaration

12 The first seminar was held from 30 April to 2 May 1999 in Flensburg, Germany It was organized by the European Centre for Minority Issues and the Working Group on Minorities as a regional Central and East European expert seminar on the effective participation of minorities The overall objective of the seminar was to arrive at concrete proposals on ways in which Governments could give effect to articles 2 2 and 2 3 of the Declaration in the area of the effective participation by persons belonging to minorities in public life as well as in decisions that concern them, both at the national and at the regional level The themes identified for the seminar focused on the various mechanisms within States to enable political participation of minorities, and the non-institutional conditions which provide an enabling environment for minorities to participate effectively The proposals adopted by the participants took into account the needs and aspirations of different types of minority groups and focused in particular on representation in legislative, administrative and advisory bodies, citizenship issues and electoral rights, participation at decision-making levels, and further conditions for participation, including that of the Roma minority

13 The second seminar was held from 29 September to 2 October 1999 in Montreal, Canada It was organized by the Centre d'etudes sur le droit et la mondialisation and the Working Group on Minorities, bringing together approximately 60 experts, including the members of the Working Group, experts in the area of intercultural education, representatives of federal and national institutions, and representatives from academic institutions and non-governmental organizations from Canada and other countries The aim of the seminar was to discuss the issue of intercultural and multicultural education in the light of articles 4 3 and 4 4 of the Declaration The participants discussed the protection of the rights of minorities within the framework of the

United Nations, the role of intercultural education in fostering social cohesion, education in the mother tongue, the right to manage educational institutions, and the principle of non-discrimination in the area of education. The participants agreed that intercultural education as a separate area of concern of the State has major relevance for public policy in education in furthering social cohesion and inclusiveness. The conclusions and recommendations of the seminar referred to the need to reflect, in educational curricula, the history and culture of all groups within society, the participation of all groups in educational policy and programmes, the teaching of the mother tongue, the role of reconciliation processes through education, as well as the establishment of government working groups in Canada to develop federal and provincial policy regarding educational policy, programmes and practices.

14 The comprehensive report of the Working Group at its fifth session is contained in document E/CN.4/Sub.2/1999/21.

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SPECIFIC GROUPS AND INDIVIDUALS: OTHER VULNERABLE GROUPS AND INDIVIDUALS

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

Report of the Secretary-General

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GE.99-16333 (E)

Introduction

1 The present note supplements and updates as at 26 November 1999 the report of the Secretary-General to the General Assembly on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/54/348) of 13 September 1999 and the note by the Secretariat to the Working Group on Contemporary Forms of Slavery containing the recommendations of the Board of Trustees at its fourth session in March 1999, which have been approved by the High Commissioner for Human Rights on behalf of the Secretary-General (E/CN 4/Sub 2/AC 2/1999/4 and Add 1 of 18 May and 28 June 1999 respectively) The previous note submitted to the Commission on Human Rights was document E/CN 4/1999/85 of 22 January 1999

I MANDATE, BENEFICIARIES, ADMINISTRATION AND BOARD OF TRUSTEES

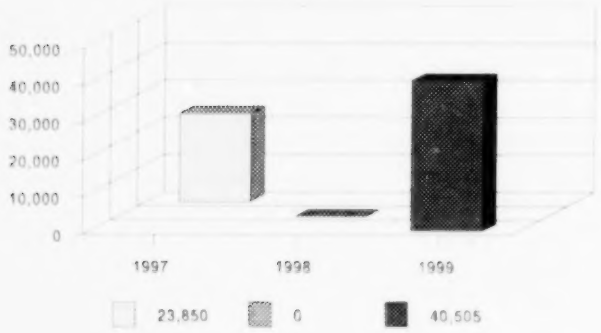
2 The purpose of the Fund, as established by the General Assembly resolution 46/122 of 17 December 1991 is first, to assist representatives of non-governmental organizations (NGOs) from different regions dealing with issues of contemporary forms of slavery to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance, and second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery Funding can be obtained by means of voluntary contributions from Governments, NGOs and other private or public entities

3 The Fund is administered, in accordance with the financial regulations and rules of the United Nations and other relevant provisions, with the advice of a Board of Trustees The Board is composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who serve in their personal capacity, as United Nations experts and are appointed by the Secretary-General for a three-year renewable term, in consultation with the current Chairman of the Sub-Commission on the Promotion and Protection of Human Rights, with due regard to equitable geographical distribution The current members of the Board of Trustees are Swami Agnivesh (Chairman), Theo van Boven, Cheikh Saad-Bouh Kamara, Tatiana Matveeva and José de Souza Martins

II. FINANCIAL SITUATION

A. Expenditure made in 1999 (in US$)

Table 1



- 1997: US$ 23,850 (see E/CN.4/1998/89, para. 6; A/53/339, para. 14)
- 1998: 0 (see A/53/339, para. 9)
- 1999: US$ 40,505 (see E/CN.4/Sub.2/AC.2/1999/4)

4. Two travel grants which had been recommended by the Board at its third session in 1997 but had been kept on a contingency list until sufficient new contributions were received, were paid on 24 March 1999 (see A/54/348, para. 12; A/53/339, para. 17).

5. At its fourth session (24-26 March 1999), the Board of Trustees reviewed all applications received and, in the light of the selection criteria established by the General Assembly, recommended 10 travel grants amounting to US$ 13,505 to enable representatives of NGOs to participate for three days in the Working Group on Contemporary Forms of Slavery (23 June-2 July 1999), as well as 5 project grants amounting to US$ 27,000. The list of beneficiaries, amount of grants and other relevant information is available in document E/CN.4/Sub.2/AC.2/1999/4, annexes I and II. All the above-mentioned recommendations have been approved and implemented and money has been spent accordingly.

B. Balance

6. After having paid all grants recommended by the Board at its fourth session, the balance of the Fund was about US$ 52,000 which will be available for the fifth session of the Board.

C. New contributions received

7. The following voluntary contributions were received after the fourth session of the Board and are available for allocation at the fifth session of the Board, provisionally scheduled to be held from 7 to 10 February 2000.

Table 2. Contributions received from Governments as at 26 November 1999

State	Amount (US$)	Paid on
France	16 357	29 Apr. 1999
Ireland	26 386	8 June 1999 a/
Poland	5 000	6 Oct. 1999
Saudi Arabia	10 000	22 July 1999
South Africa	7 589	7 Apr. 1999
Subtotal	65 332	

a/ Contribution received by the Office of Project Services. Official Receipt Voucher not yet available at OHCHR/GE.

Table 3. Contributions received from non-governmental organizations and individuals as at 26 November 1999

NGOs and individuals	Amount (US$)	Paid on
Japanese Workers Committee for Human Rights (Tokyo)	671	30 Aug. 1999
Mr. Sadiq M. Marafi (Geneva)	993	7 Sept. 1999
Operazione Terzo Mondo (Albino, Italy)	1 000	10 June 1999
Mr. Yorio Shiokawa (Aichi-Ken, Japan)	336	30 Aug. 1999
Women's World Summit Foundation (Geneva)	2 815	22 June 1999
Subtotal	5 815	
Grand total	77 147	

D. Pledges made

8. The Netherlands pledged on 12 November 1999 a contribution of 75,000 Netherlands guilder which should be paid to the Fund before the fifth session of the Board.

9. In addition, the Italian painter Trento Longaretti donated to the Fund the proceeds of the sale of 100 brochures of his last exhibit organized at the Palais des Nations and Palais Wilson in July-August 1999. His exhibit, entitled "La Pauvreté dans le monde" (Poverty in the World), was organized at the initiative of the Permanent Mission of Italy to the United Nations Office at Geneva and under the auspices of Mr. Vladimir Petrovsky, Director-General of the Office, to coincide with the opening of the substantive session of 1999 of the Economic and Social Council, where the debate was to focus on the elimination of poverty. On 5 December 1999, the

proceeds will be officially donated to the Fund on the occasion of a new exhibit organized under the auspices of the Lions Club Geneva and Ms. Milena Bellini and Ms. Bruna Bellini, at Chateau d'Allaman, Canton de Vaud, Switzerland.

III. FUND-RAISING

A. Resolutions

10. In its resolution 1999/46 of 27 April 1999 on contemporary forms of slavery, the Commission on Human Rights requested the Secretary-General to transmit to Governments an appeal for new voluntary contributions to the Fund.

11. In its resolution 1999/18 of 25 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, inter alia, noted with satisfaction the participation of the representatives of NGOs financed by the Fund and their valuable contribution to the work of the Working Group, and encouraged their activities. The Sub-Commission expressed its satisfaction to the donor Governments, NGOs and individuals, in particular the new donors, for their valuable contributions. The Sub-Commissioner urged all Governments, NGOs and other private or public entities and individuals to contribute annually on a regular basis and, if possible, before the end of the current year, to enable the Fund to fulfil its mandate effectively.

B. Appeal for funds by the United Nations High Commissioner for Human Rights

12. As requested by the Commission on Human Rights, on 4 October 1999, the United Nations High Commissioner for Human Rights sent a letter to all Governments appealing to them to contribute to the Fund, drawing their attention to above-mentioned resolutions of the Commission and Sub-Commission. The High Commissioner said that she would greatly appreciate if Governments were to contribute to the Fund, if possible by the end of the year so that their contributions could be used for travel and assistance grants in the year 2000.

C. Meeting with regular donors

13. As part of the usual reporting process on the financial situation and activities of the Fund, the secretariat of the Fund and Board will organize a technical information meeting for regular donors in Geneva in December 1999, at which all relevant reports and documents on the activities of the Fund will be distributed and discussed. Donors will have the possibility to ask questions concerning the activities of the Fund. Another such occasion will take place in February, during the session of the Board.

IV. NEEDS ASSESSMENT

14. Taking into consideration the fact that requests received in 1999 amounted to about US$ 900,000, in the Board's view, in order to meet at least one third of the requests expected to be received in the year 2000, the Fund would need about US$ 300,000 in contributions.

15. In order to be duly recorded and available in time for the Board to make recommendations at its next session, scheduled to take place from 7 to 10 February 2000, new contributions have to be paid before the end of January 2000. Pledges cannot be taken into consideration. The reasons for this deadline is that travel grants to attend the Working Group have to be decided and paid well in advance of the session of the Working Group (scheduled to take place from 21 to 30 June 2000) and project grants to assist victims also have to be decided and paid at the beginning of the year in order to allow the project leaders to start assisting the victims and to be able to report on the use of the grant to the Secretariat before the end of the year.

V. HOW TO CONTRIBUTE TO THE FUND

16. Voluntary contributions to the Fund can be made by:

(a) Bank transfer: to the United Nations Geneva General Fund

- in United States dollars, c/o Chase Manhattan Bank, New York
  A/C: 001-1-508629, UNOG General Fund,
  G/L: UN-0503456, United States Banking Code: 021000021

- or in Swiss francs, c/o UBS AG,
  P.O. Box 2770, CH 1211 Geneva 2,
  Acc.240-CO-590-160.0, swift address: UBSWCHZH12A

(b) Cheque: to

- the United Nations Cashier's Office, United Nations, New York,
  New York 10017, United States of America, or

- the Treasurer, United Nations Office at Geneva, Palais des Nations,
  CH-1211 Geneva 10, Switzerland.

Please be sure to make payments to the order of the "United Nations" and also to mention "for the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, Account SH".

VI. ADDITIONAL INFORMATION

17. For any additional information, please contact the secretariat of the Fund at the Office of the United Nations High Commissioner for Human Rights (OHCHR), Support Services Branch, Trust Fund Unit, CH-1211 Geneva 10: tel. (41-22) 917 91 64 / 917 91 45 / 917 92 66; fax (41-22) 917 90 17; e-mail: eortado-rosich.hchr@unog.ch; dpremont.hchr@unog.ch.

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SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Human rights and mass exoduses

Report of the High Commissioner for Human Rights, submitted pursuant to Commission on Human Rights resolution 1998/49

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GE.99-16205 (E)

Introduction

1 At its fifty-fourth session, the Commission on Human Rights in its resolution 1998/49, entitled "Human rights and mass exoduses", recalling its recognition that violations of human rights are among the root causes leading to the mass exodus and displacement of people, requested the High Commissioner for Human rights to invite Governments, inter-governmental organizations, specialized agencies and non-governmental organizations to provide information and comments on measures to prevent violations and denials of human rights that lead to and take place during mass exoduses and displacements and, on that basis, to submit a report to the Commission at its fifty-sixth session.

2 The present report is submitted in compliance with that request. It is divided into two parts. The first part summarizes the information and comments received from Governments, intergovernmental organizations, specialized agencies and non-governmental organizations on the issue of human rights and mass exoduses. The second part highlights a number of developments, in the two years since the submission of the previous report, in terms of relevant activities of the United Nations human rights machinery, in particular the Office of the High Commissioner for Human Rights (OHCHR) and the mechanisms of the Commission.

3 This report is intended to complement the recent report of the Secretary-General to the General Assembly on the same subject (A/54/360).

I. INFORMATION AND COMMENTS RECEIVED

4 In accordance with the above-mentioned request of the Commission, the High Commissioner invited, by means of a note verbale, all permanent missions to the United Nations, relevant intergovernmental organizations and specialized agencies and a number of non-governmental organizations focusing on issues of displacement to provide information and comments for reflection in this report. As of 30 November, the date on which this report was due for submission, six replies had been received: from the Governments of the Republic of Cyprus, Qatar and the Federal Republic of Yugoslavia; from the International Labour Organization and the World Health Organization; and from the Organization for Security and Cooperation in Europe. With the exception of the correspondence received from the Government of Qatar, indicating that it had no particular information on the subject, the content of each of these replies is summarized below.

Cyprus

5 The Government of the Republic of Cyprus referred to the mass exodus of Greek Cypriots and Maronites as well as the emigration of large numbers of Turkish Cypriots following the Turkish invasion in 1974. In the light of that experience, the Government noted that it was in favour of taking all measures which would prevent the violation and deprivation of human rights, especially if they might lead to or take place during mass exoduses and displacement.

Federal Republic of Yugoslavia

6. The Federal Republic of Yugoslavia Federal Republic of Yugoslavia, conveying information received from the Federal Ministry for Refugees, Displaced Persons and Humanitarian Aid, focused its remarks on two manifestations of mass exoduses experienced by the country - the refugee problem related to the conflicts in the former Yugoslavia; and the internal displacement of Serbs and other nationalities from Kosovo and Metohija in recent months.

7. First, regarding the refugee problem, reference was made to a 1996 census conducted in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) indicating that there were 650,000 refugees from the former Yugoslavia in the Federal Republic of Yugoslavia, of which 620,000 were in Serbia. The biggest mass influx of refugees into the country occurred in August 1995 when, over a period of 10 days, 250,000 Serbs fled from Krajina, Croatia. The Government noted that, in contrast with other countries where refugees often were accommodated mostly in camps and collective centres, an estimated 80 per cent of the refugees in the Federal Republic of Yugoslavia were accommodated with relatives or friends. The Government further reported that over the past eight years, it had been spending 5 per cent of the country's gross national product on providing the refugee population with accommodation, food, clothing and footwear, health and social care and education - international aid covering only 10 per cent of that population's needs. With the decline in the economic situation in the country, however, the Government was finding it increasingly difficult to continue to meet the needs of the refugees.

8. On the issue of long-term solutions, the Government of the Federal Republic of Yugoslavia reported that it was continuing to give priority to that of repatriation, but only "an almost negligible number" of refugees had returned to Bosnia and Herzegovina and to Croatia. The low rate of return was reported to be due to the absence of the necessary preconditions for a safe and dignified return, as set out in international and bilateral agreements on return. In view of the difficulties for a number of the refugees to return, the Government concluded that it was necessary to provide for their permanent accommodation and integration in the Federal Republic of Yugoslavia and called on the international community, in particular UNHCR, to assist it in that regard.

9. Second, the Government referred to the mass exodus, beginning in the summer of 1999, of some 280,000 Serbs and 50,000 other non-Albanians from Kosovo and Metohija and reported on the violations of human rights that induced their flight. As with the refugee population, the majority - nearly 80 per cent - of those internally displaced persons were accommodated with local families or with relatives, while the remainder were in collective centres. The Government called on the international community, in particular the NATO-led international peacekeeping force in Kosovo (KFOR) and the United Nations Interim Administration Mission in Kosovo (UNMIK), "to consistently fulfil their obligations related to the preservation of the multi-ethnic

and multi-religious character" of the province and to guarantee the full security and protection of all inhabitants, especially Serbs, Montenegrins and other non-Albanian ethnic groups. Special emphasis was placed on the need to create conditions of security for the unhindered return of internally displaced persons of Serb and Montenegrin nationality, as well as other non-Albanians, and for the full respect of all political, economic, social and cultural rights, especially the right to life, personal safety, freedom of movement, private property, employment, health care and education.

International Labour Organization

10. The International Labour Organization (ILO) emphasized that the root causes of many of the crisis situations which led to displacement included social exclusion and poverty, which in turn were often the result of limited access to economic opportunities and productive resources, as well as an absence of social dialogue and democracy. Where jobs could be found in such situations, the conditions of work were often poor and measures for social protection usually absent. The normal resistance to forms of exploitation, such as child labour, tended to break down. Accordingly, the ILO considers its early involvement in crisis situations as crucial. Its "In-focus programme on crisis response and reconstruction" aims to facilitate the socio-economic integration of those most directly affected by crises and to ensure increased awareness at the national and international levels of the importance of employment and related social concerns in crisis situations and a greater role for ILO constituents in efforts to overcome the effects of crises. The main emphasis of the programme is on employment-related development interventions, such as the promotion of employment-intensive reconstruction and rehabilitation works, skills and entrepreneurship training, small enterprise development, local economic development and the promotion of social dialogue and social protection. As the majority of those affected by crises tend to be women and children, gender considerations are to be prominent in planning programme interventions.

World Health Organization

11. The World Health Organization (WHO), recalling that all human rights are interdependent and interrelated, underscored that any breach in the right to health severely affects the enjoyment of other human rights, which in turn are preconditions for peace and stability. WHO further noted that the extent to which the human rights that have a bearing on health are fulfilled can be a factor in determining whether and how exoduses associated with economic insecurity and poverty occur.

12. Special emphasis was placed on the impact of displacement on the health of women and children, who typically constitute a large proportion of any mass exodus. Of particular concern was their frequent lack of access to basic health-care services. Very often, it was noted, the health services in the host community are unable to accommodate the needs of a large influx of displaced persons. Displaced women may face additional constraints in gaining access to health services as a result of cultural and social factors, which could include restrictions placed on

women and their access to health-care providers of the opposite sex, as well as a lack of understanding on the part of health agencies and professionals of the health needs of these women. The lack of access to health services experienced by displaced women is often further exacerbated by the separation of these women from their support network of relatives and friends.

13. Meanwhile, the health of displaced children may be profoundly affected by the physical and emotional impact of flight. When displacement leads to the separation of families, children may be separated from their primary care givers. For infants and small children in such a situation, access to food may be limited. Adolescents who find themselves alone or caring for younger siblings experience heightened vulnerability. Generally, children who are displaced and whose networks of social support have broken down are particularly at risk of violence and exploitation and, consequently, harm to their health.

14. As a final point, WHO emphasized that States parties to the International Covenant on Economic, Social and Cultural Rights have accepted responsibilities to guarantee to non-nationals residing on their territory the right to health enshrined in article 12 of the Covenant.

Organization for Security and Co-operation in Europe

15. The Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) drew attention to two relevant areas of its work: freedom of movement and choice of residence, and the trafficking of human beings in the OSCE region.

16. On the first issue, a report was provided which focuses on the system in the former Soviet Union, known as "propiska", of restrictions on freedom of movement and choice of place of residence and the many ways in which it contradicts OSCE commitments and other human rights standards.[1]

17. Regarding trafficking in the OSCE region, the report of a recent OSCE conference on this issue was provided.[2] The report provides a general overview of the problem in the OSCE region, a summary of the relevant OSCE commitments and international standards relating to trafficking, and a discussion of the status of implementation of anti-trafficking measures in the OSCE region.

18. It is noted that, in 1997, an estimated 175,000 women and girls were trafficked from Central and Eastern Europe and the Newly Independent States, primarily to other OSCE States. At the same time, OSCE States in Western Europe and North America continue to be major trafficking destinations for people from developing countries in Asia, Africa and Latin America.

And while trafficking is most often discussed in terms of women, children and sexual exploitation, the report stresses that it is a much wider phenomenon, both globally and in the OSCE region, which includes trafficking for non-sexual purposes, such as sweatshop, domestic or agricultural labour, as well as for sexual purposes. Thus, the problem of "trafficking in human beings" is considered in its broader sense, to involve the movement of people for the purpose of placing them in forced labour or other forms of involuntary servitude.

19. Notwithstanding the increased attention and strong denunciations by the international community of the trafficking in human beings, particularly of women and children, it was noted that few States have taken adequate measures to protect individuals from such practices, to prosecute traffickers or to provide effective remedies for victims. "Current legal frameworks, policies and strategies", the report concludes, "have proven inadequate to deal effectively with this complex transnational problem, and coordination, at both the national and international level, has been the exception rather than the rule".

20. The report identifies ways in which OSCE could address aspects of the problem, including by integrating anti-trafficking measures into existing human rights, civil society and institution-building activities, providing training on the issue to OSCE field mission staff and taking a leading role in combating trafficking in south-eastern Europe as part of the OSCE mandate under the Stability Pact. Underscoring, at the same time, that the primary responsibility for combating trafficking rests with States, the report identifies a number of areas where OSCE States could take concrete actions at the national and international levels to prevent and suppress trafficking and to protect the human rights of trafficked persons.

II. ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

21. The Commission has recognized that the human rights machinery of the United Nations has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight. Specifically, it requested the High Commissioner for Human Rights, in the exercise of her mandate and in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to human rights situations which cause or threaten to cause mass exoduses or displacements and to contribute to efforts to address such situations effectively through promotion and protection measures, emergency preparedness and response mechanisms, early warning and information sharing, technical advice and expertise and cooperation in countries of origin as well as host countries.

22. Regardless of where mass exoduses occur, partnerships with other relevant actors and organizations are essential to ensuring a comprehensive response. The Commission, in its resolution on the subject, has noted the complementarity between the systems for the protection of human rights and for humanitarian action, and that cooperation between them makes an important contribution to the promotion and protection of the human rights of displaced persons.

In particular, it has recognized the complementarity between the mandates of the High Commissioner for Human Rights and the High Commissioner for Refugees and the importance of cooperation between them. The contributions of the High Commissioner for Refugees to the deliberations of the Commission have served to reinforce the close nexus that exists between the two Offices' respective areas of work. The High Commissioner for Human Rights, for her part, was again invited to address the Executive Committee of UNHCR at its most recent session, the theme of which, "Strengthening partnership to ensure protection", was of particular interest to OHCHR.

23. The growing number of requests received by OHCHR from Governments for specialized technical assistance and advisory services, for instance in the areas of legal reform or the strengthening of civil society, evidences a readiness on the part of Governments to engage partners such as the United Nations and NGOs to strengthen national human rights protection. The process of integrating human rights across the United Nations system has also woven human rights into broader spheres of international activity. For example, it has paved the way for the integration of a human rights perspective in early warning systems, humanitarian operations, peacekeeping and development cooperation. The recent discussion in the Security Council on the critical issue of the protection of civilians in armed conflict has underlined that protection is a collective responsibility requiring a multi-faceted and collaborative response.

24. In no area is this more true than that of prevention. Combating the root causes of mass exoduses is of critical importance if the tragic mass uprooting of populations witnessed on so many occasions in the past year alone is not to be repeated. Many of these cases of mass exodus were rooted in conflict and inequities based on ethnic or racial differences, discrimination and persecution. Moreover, it is often the case that the victims of displacement also face discrimination once displaced, whether this be in other countries or still within their own. It is thus most appropriate that the General Assembly, in its resolution 49/146, requested the organization of a seminar on flows of refugees resulting from ethnic conflicts or political restructuring of multi-ethnic societies in socio-economic transition and their link to racism in the host country. In accordance with this request, OHCHR is convening a seminar of experts on racism, refugees and multi-ethnic States, in Geneva in December 1999, with the objectives of examining racism and ethnic conflict as a root cause of refugee crises, identifying ways and means of impeding the expansion of racism and ethnic conflict in order to prevent displacement crises, ensuring better protection of vulnerable groups within States concerned, and ensuring the protection of the rights of refugees. The conclusions and recommendations of this seminar will be submitted to the Preparatory Committee of the World Conference on Racism, to be held in 2001, and, of course, reflected in future reports of the High Commissioner on the subject of mass exoduses.

III CONCLUSIONS

25. The Commission's consideration of this issue is more relevant than ever. Awareness of the inherent inter-linkages between human rights violations and situations of mass exodus and displacement is now well-developed. At this stage, what is required is more focused attention to the measures required to prevent and redress the human rights violations causing and characterizing mass exoduses, as well as the undertaking of concrete action when such crises occur. In this connection, continued attention to this issue, and in particular to the further development of the role of the mechanisms of the Commission in addressing it, both in general and especially in specific situations, is critical.

Notes

[1] Freedom of Movement. The Issue of Internal Registration (Propiska). The CIS Migration Conference, OSCE Human Dimension Implementation Meeting, October 1998, Background Paper 2 (Warsaw: OSCE/ODIHR, 1998).

[2] Trafficking in Human Beings: Implications for the OSCE, OSCE Review Conference, September 1999, ODIHR Background Paper 1999/3 (Warsaw: OSCE/ODIHR, 1999).